REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

Claims 1-31 are pending. Claims 1, 4-7, 10, 11, 22, 23, and 24 have been amended. Full support for the amendment can be found throughout the present application, for instance, at page 2, paragraph [0002] and paragraphs [0022] to [0024], and elsewhere in the present application. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

Request for Examiner's Interview

The undersigned and the applicants are prepared to show to the Examiner samples of carpet tiles of the present invention and carpet tiles made in accordance with the primary reference relied upon by the Examiner, Oakey et al. Further, the undersigned and the applicants are prepared to show to the Examiner color photographs of carpet tiles of the present invention and of Oakey et al., which would greatly assist the Examiner in seeing the differences between the present invention and the primary reference of Oakey et al. This type of evidence is impossible to submit with a response and, thus, a personal interview is the best venue for providing such evidence. The undersigned and the applicants previously requested an interview with the Examiner. However, an interview could not be arranged prior to the filing of this response due to scheduling conflicts. Therefore, if the Examiner maintains any rejection upon receiving this response, the applicants respectfully request a re-scheduling of this interview. The applicants note that the U.S. Patent and Trademark Office has granted the applicants' Petition to Make Special the above-identified application.

Rejection of claims 4-7, 11, and 22 under 35 U.S.C. §112, second paragraph

At page 2 of the Office Action, the Examiner rejects claims 4-7 and 11 for using the term "unused yarn." The Examiner believes that this term is unclear. Further, the Examiner believes that the language set forth in claim 22 is unclear. This rejection is respectfully traversed.

One skilled in the art would understand the language of these claims as originally filed. However, to assist the Examiner, and to make the claims even more clear, claims 4-7 and 11 have been amended to replace the term "unused yarn" with "leftover waste yarn," which also has an understood meaning in the carpet industry. With respect to claim 22, claim 22 has been amended to indicate that the reference to the various materials is with respect to yarn and, thus, claim 22 has been amended to recite that the yarn comprises nylon yarn, wool yarn, polyester yarn, or polypropylene yarn. Accordingly, this rejection should be withdrawn.

Rejection of claims 1-15, 25, 26, 30, and 31 under 35 U.S.C. §103(a) -- Oakey et al.

At page 3 of the Office Action, the Examiner rejects claims 1-15, 25, 26, 30, and 31 under 35 U.S.C. §103(a) as being unpatentable over Oakey et al. (U.S. Patent Application Publication No. 2003/0031821). The Examiner asserts that Oakey et al. shows carpet tiles having patterns and color schemes that obviate the need to orient the tiles in a particular position. The Examiner further asserts that the carpet tiles have tufted rows of two patterns, namely yarns A-D and a second pattern of yarns D-G. The Examiner further asserts that Oakey et al. shows two different types of yarns since Oakey et al. permits different dye lots. This rejection is respectfully traversed.

Oakey et al. relates to carpet tiles which, as the Examiner points out, obviate the need to orient the tiles in a particular position. As part of this design, the patterns in Oakey et al. specifically require a design that enables the tiles to be laid in any side-by-side orientation with

respect to adjacent tiles without looking out of place to the ordinary viewer. Oakey et al. further teaches that a background color is always present in the carpet web. *See* paragraph [0039] of Oakey et al. Further, Oakey et al., at most, shows the presence of seven colors as apparently recognized by the Examiner. The Examiner did not, in the Office Action, indicate that Oakey et al. actually shows eight colors, namely colors A-H. Further, Oakey et al. does not teach or suggest using specific colors in a particular orientation as set forth in claim 1 of the present application.

Claim 1 of the present application further shows the differences between the claimed invention and Oakey et al., by reciting that the carpet has a yarn pattern that comprises at least two different yarns for each of Yarns A-H and at least one of these different yarns has a different Munsell value scale number. Further, pattern 1 and pattern 2 are alternating throughout the carpet. Thus, in the present invention, the visual carpet pattern essentially alternates a group of various light colors with a group of various dark colors to create an overall pattern which permits one to use various colors of yarn, including leftover waste yarn. The present invention further permits one to use different colors of yarn that fall within each of categories A-H. Thus, unlike Oakey et al., the present invention actually permits different color intensities within a particular range, which are not merely slight color variations as in Oakey et al. It is noted that with respect to the Examiner's argument that Oakey et al. permits different dye lots, Oakey et al. specifically teaches that these are slight color variations resulting from dye lot differences and, therefore, this should not be considered colors of yarn having different Munsell value scale numbers. *See* paragraph [0030] and, more importantly, paragraph [0016] of Oakey et al.

Contrary to the Examiner's suggestion, the present invention does not only achieve an aesthetically pleasing appearance or design. Using the formula of the present invention, one can use a variety of different types of yarns and still form a carpet that has uniformity in appearance even

though different yarns are being substituted in the pattern throughout the carpet. Thus, a carpet will have two or more different yarns A's, two or more different yarns B's, two or more different yarns C's, two or more different yarns D's, two or more different yarns E's, two or more different yarns F's, two or more different yarns G's, and two or more different yarns H's in the carpet, and the different yarns in each category can be significant since, as the present application teaches, a red hue, for instance, includes yellow-red, red-purple, and so on. Thus, the present invention is not merely using different lots, but actually using significantly different yarns in a particular pattern and, yet can still achieve visually consistent appearance even though different types of yarns are used if the yarn pattern is followed as set forth in the claims. In fact, even if each of yarns A-H were different throughout the carpet, a uniformity in appearance can still be achieved if the formula of the present invention is used. Unlike Oakey et al., the carpet as defined, for instance, in claim 1, has no background color throughout the carpet, and unlike Oakey et al., shows orientation as a result of the yarn patterns alternating, and has a light pattern and dark pattern alternating throughout the carpet. This simply is not taught or suggested in Oakey et al.

Furthermore, Oakey et al. clearly does not teach or suggest a carpet that can use leftover waste yarn in a carpet to achieve a visually consistent appearance in a carpet. The present invention provides a means to use leftover waste yarn, which typically was thrown away, to create first-quality carpets. This is simply not taught or sugested in Oakey et al. For these reasons, this rejection should be withdrawn.

Rejection of claims 16-20, 22-24, and 27-29 under 35 U.S.C. §103(a) – Oakey et al. in view of Higgins

The Examiner, at page 5 of the Office Action, rejects claims 16-20, 22-24, and 27-29 under 35 U.S.C. §103(a) as being unpatentable over Oakey et al. in view of Higgins (U.S. Patent No.

4,522,857). Essentially, the Examiner relies on Oakey et al. as set forth above in the first §103 rejection. The Examiner relies on Higgins et al. to show various components of a carpet. The rejection is respectfully traversed.

For the reasons set forth above, Oakey et al. does not teach or suggest the claimed invention. These deficiencies are not shown or suggested by Higgins et al. Accordingly, the combination of Oakey et al. and Higgins et al. does not teach or suggest the claimed invention. For these reasons, this rejection should be withdrawn.

Rejection of claim 21 under 35 U.S.C. §103(a) -- Oakey et al. in view of Higgins and further in view of Higgins '968

At page 6 of the Office Action, the Examiner rejects claim 21 under 35 U.S.C. §103(a) as being unpatentable over Oakey et al. in view of Higgins ('857 patent) and further in view of Higgins (U.S. Patent No. 5,540,968). The Examiner relies on Oakey et al. and Higgins '857 as before and further relies on Higgins '968 to show the use of an adhesive quick-release carpet tile backing. This rejection is respectfully traversed.

Oakey et al. in combination with the two Higgins' patents does not overcome the deficiencies set forth above with respect to Oakey et al. For the reasons set forth above, claim 21 is also patentable in view of Oakey et al., alone or in combination with one or both of the Higgins' patents. For these reasons, this rejection should be withdrawn.

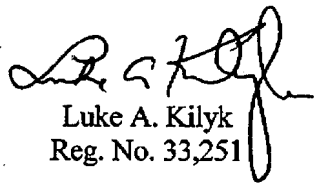
The Examiner is encouraged to contact the undersigned to arrange an interview or to discuss this matter over the telephone should there be any remaining issues with respect to the patentability of the present application in view of the cited references.

CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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